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Decision Diagnostics. and
PharmaTech Solutions, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOTHAM INSURANCE COMPANY,

Plaintiff in Interpleader,

vs.

SHASTA TECHNOLOGIES, LLC,
INSTACARE CORP. and
PHARMATECH SOLUTIONS, INC.

Defendants in Interpleader.

AND RELATED COUNTER-CLAIM

Case No.: 5:13-CV-03810-BLF

PHARMATECH'S STATEMENT OF
ALL PHASE I TRIAL ISSUES

Phase I Trial Date: September 7, 2016
Time: 9:00 a.m.

BEFORE THE HONORABLE BETH
LABSON FREEMAN

Pursuant to this Court's Order following the Pretrial Conference held on August 28, 2016, Defendants in Interpleader Decision Diagnostics Corporation, fka InstaCare Corp., and PharmaTech Solutions, Inc. (hereafter collectively referred to as "PharmaTech"), hereby submits their list of all issues to be addressed in Phase I of the Trial with respect to the enforceability and effect of the parties' Binding Term Sheet.

ISSUES TO BE ADDRESSED

1. Was the Parties' Binding Term Sheet intended to be a binding and enforceable agreement?
2. If so, does the Binding Term Sheet resolve all issues arising out of the present Interpleader Action, including:
 - a. The division of the Interpleaded Funds; and
 - b. PharmaTech's Cross-Complaint for breach of the Gotham I Settlement and for false promise?
3. Is Shasta's assertion that the Binding Term Sheet is a binding and enforceable settlement an action for specific performance?
4. If so, are Civil Code Sections 3391(1)(2) and (4) appropriate defenses to the specific enforcement of that provision of the parties' Binding Term Sheet under which Shasta/Ropers is to receive \$478,000.00 of the Interpleader Funds?

As the above issues will be based either on stipulated facts, or questions of law, PharmaTech does not see the need to call any witnesses. Perhaps a short telecon with the Court would be helpful in explaining and/or confirming this.

DATED: 8/12, 2016

BAER & TROFF LLP

By: 

Eric Troff,
Attorneys for Defendant
and Cross-Complainant
PharmaTech Solutions, Inc.